

REMARKS

I. Status of Claims

Without prejudice, the claim 17 has been cancelled.

II. Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's finding of allowable subject matter in Claim 16, 18-22 and 24.

III. Claim Objections

The Examiner objected to Claim 17 under 37 CFR §1.75(c), as being in improper dependent form for failing to further limit the subject matter of a previous claim. In reply, Applicants have canceled this claim, thus obviating the Examiner's objection.

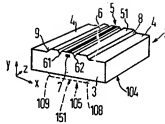
IV. Request for Reconsideration

The Examiner rejected claims 1, 3, 4, 8-11, 13-15 and 23 under 35 U.S.C. §103(a) as being unpatentable over Heinen et al. (U.S. Patent No. 4,768,199) in view of Matsumoto (U.S. Patent No. 5,849,204). Specifically, in response to Applicants' previous arguments, the Examiner states as follows:

Applicant asserts that Heinen et al. do not disclose a downward-facing reference surface that has at least one optical element secure to the reference surface because the optical element 7 is actually the reference surface itself." The Examiner disagrees. The reference surface of Heinen et al. is part of the substrate 2. As understood, the optical element 7 is layered on top of a surface of 2. Therefore, optical element 7 is secured (through layered depositions to form a laser) to a downward facing reference surface of substrate 2.

Therefore, the Examiner's position is that the substrate 2, and not the surface 51 of the ridge, is the reference surface as recited in the claims. For convenience, Fig. 1 of Heinen showing these surfaces is provided below.

FIG1



In reply, Applicants emphasize that the reference surface in the claimed invention *must* have two features: (1) it must be a surface in which two beveled sides extend outwardly, and (2) it must be a surface on which an optical element is secured. Even if one accepts the Examiner's proposition that substrate 2 of Heinen is the reference surface, and that laser 7 deposited thereon is the optical element secured to the reference surface, there are no beveled sides *extending from the substrate 2* as required by the claim. Rather, the beveled sides in Heinen extend from the top surface 51 of the mesa 5. In other words, beveled sides may extend outwardly from the surface 51, and the substrate 2 may be a surface upon which an optical element is secured, but the two surfaces are distinct in Heinen, while in the claimed invention, the reference surface has both elements.

V. Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

Respectfully submitted,

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